

sane person resides, or if he be not in the state, then to the county in which he last resided, or in which his property lies.—*Campbell's case*, 217.

In some cases his appearance before the inquest may be dispensed with, 217.

Formerly the estate of a lunatic might be saved, but not so now, in a creditor's suit, 224—*Watkins v. Worthington*, 520.

The jurisdiction of the Chancellor as to infants and lunatics.—*Corrie's case*, 492.

MARSHALLING ASSETS AND SECURITIES.

The principles in regard to the marshalling of assets and securities.—*Winder v. Diffenderffer*, 202; *Watkins v. Worthington*, 532.

Assets may be marshalled for the benefit of heirs and next of kin, without prejudice to creditors.—*Waring v. Waring*, 675.

MARRIAGE.

A marriage originally valid between then living parties can only be annulled by the general assembly.—*Campbell's case*, 235.

The contract of marriage, if valid when made, is, with few exceptions, valid every where.—*Corrie's case*, 489.

The binding and peculiar nature of the contract of marriage.—*Helms v. Franciscus*, 561.

MILLS.

A mill-site on a descending stream how constituted.—*Binney's case*, 114, 116.

The plaintiff must describe and shew himself entitled to a mill-site before he can have any relief founded on a claim of such property, 117.

The water of a stream cannot be diverted to the prejudice of the owner of a mill-site on it, 118.

One mill may be erected so near another, as to compete with it for its custom, 119.

The nature of mill-sites as connected with the canals of the Potomac Company considered, 130.

The claim of surplus water issuing from a canal for mills, founded on presumption, 138.

MONEY.

The several kinds of currency under the Provincial Government.—*Parker v. Mackall*, 67; *Woodward v. Chapman*, 70.

The proceeds of sale, specifying the several kinds of money, directed to be deposited in the treasury for safe keeping.—*Ex parte Conway*, 324.

The nature and foundation of an order to bring money into court.—*Contee v. Dawson*, 266.

On a motion for such an order, the whole of the answer must be taken together, and for true, 267.

A defendant will not be ordered to pay money found due on a decree to account to a trustee, but to bring it into court.—*Tyson v. Hollingsworth*, 332.

MORTGAGE.

On a bill to foreclose the answer of an infant by his guardian *ad litem* admitting the facts deemed sufficient for a decree.—*Lansdale v. Clarke*, 358.

A decree of foreclosure, unless payment of the aggregate of principal and interest, with interest thereon by a specified day.—*Atkinson v. Hall*, 372.

That clause in the act incorporating the Farmers' Bank of Maryland, which declares that debts due by a stockholder must be first paid before a transfer gives to the bank a pledge or mortgage.—*The Farmers' Bank of Maryland's case*, 394.

The mortgagee of stock may sell without a bill to foreclose, 397.

An injunction granted to a mortgagee to stay waste before the debt became due. *Murdock's case*, 461.

In a bill by a mortgagee to stay waste before the debt became due, the prayer for a sale rejected as surplusage, so that on another bill to foreclose or sell, the first was not considered as another suit for the same cause then pending, 463.

A mortgagee cannot sue upon the bond for his debt, and also have a foreclosure at the same time.—*Andrews v. Scotton*, 665.

In a suit to foreclose or sell, if by a sale, the whole debt should not be paid, the court cannot decree the payment of the balance, 668.—*Worthington v. Lee*, 683.

A decree of foreclosure, but in case of payment a release of the mortgage.—*Wardrop v. Hall*, 666; *Hunter v. Guant*, 667; *Buchanan v. Shannon*, 667; *Worthington v. Lee*, 685.

The act of assembly which allows a mortgagee to have a sale, does not prevent him from having a foreclosure instead thereof.—*Andrews v. Scotton*, 666.

Under a *feri facias* at law against the mortgagor, the purchaser at the sheriff's sale of the equity of redemption for less than the mortgage debt, takes it as incumbered with the residue thereof.—*Worthington v. Lee*, 681.

A mortgagor who has not been legally divested of his whole interest, must be made a party, 682.

A mortgagor who has an interest in stating the account, or from whom any discovery may be drawn, must be made a party, 683.

NE EXEAT.

On a bill to account against persons resident in another state, with an affidavit